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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,123	03/28/2001	Thomas M. Sirhall	P5710 (SMQ-059)	2140

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BOSTON, MA 02109

EXAMINER

HARRIS, CHANDA L

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/820,123

Applicant(s)

SIRHALL, THOMAS M.

Examiner

Chanda L. Harris

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

**Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fields et al. (US 6,347,943).**

1. [Claims 1,11,17,20]: Regarding Claims 1,11,17, and 20, Fields discloses providing an interactive fill-in-the-blank applet, wherein said applet generates a graphical user interface displaying a text box, a question and instructions to a user to enter an answer to the question in the text box; and forwarding the applet from the electronic device to the remote client. See Col.2: 37-42 and Col.4: 20-23.
2. [Claim 2]: Regarding Claim 2, Fields discloses wherein said applet provides feedback to the user indicating whether an answer entered by the user is correct. See Col.2: 42-50.
3. [Claim 3]: Regarding Claim 3, Fields discloses wherein said applet permits a predetermined number of attempts by the user to enter a correct answer is considered

to be an inherent feature of Fields invention and includes even one predetermined attempt.

4. [Claim 4]: Regarding Claim 4, fields discloses wherein said applet automatically provides a correct answer in the text box after the user surpasses said predetermined number of attempts. See Col.7: 16-18.

5. [Claim 5]: Regarding Claim 5, wherein said applet prevents the user from entering an answer after said predetermined number of attempts is considered to be an inherent feature of Field's invention.

6. [Claim 6]: Regarding Claim 6, Fields disclose receiving a request for a Web page at the electronic device from a remote client; and in response to said receiving step, sending a Web page containing a question and a fill-in-the-blank applet embedded therein to the remote client, wherein said applet generates a graphical user interface (GUI) including instructions to a user to enter an answer to the question provided by said Web page. See Col.4: 8-57.

7. [Claim 7]: Regarding Claim 7, Fields discloses wherein said Web page comprises a page of an on-line educational course. See Col.7: 41-53.

8. [Claim 8]: Regarding Claim 8, Fields discloses wherein said Web page includes an applet tag instructing a browser to execute instructions for running the fill-in-the-blank applet. See Col.5: 46-55.

9. [Claim 9]: Regarding Claim 9, Fields discloses wherein the fill-in the-blank applet includes a definition file defining a correct answer to the question. See Col.5: 55-59.

10. [Claims 10,16]: Regarding Claims 10 and 16, wherein said definition file is separate from a source code for said Web page to prevent a user from obtaining the correct answer by viewing the source code is considered to be an inherent feature of Fields' invention.
11. [Claim 12]: Regarding Claim 12, Fields discloses wherein the instructions are executable on a virtual machine. See Col.4: 15-23.
12. [Claim 13]: Regarding Claim 13, Fields discloses wherein the instructions are stored on a server and downloaded to a local processor of the user. See Col.4: 8-23.
13. [Claim 14]: Regarding Claim 14, Fields discloses wherein the medium includes hypertext markup language (HTML) code to reference the applet. See Col.6: 9-14 and Col.7: 47-53.
14. [Claim 15]: Regarding Claim 15, Fields discloses wherein the HTML code includes the question. See Col.5: 46-50 and Col.6: 9-11.
15. [Claim 18]: Regarding Claim 18, Fields discloses a browser for locating and displaying said Web page. See Col.4: 20-23.
16. [Claim 19]: Regarding Claim 19, Fields discloses a network connection for connecting said electronic device to a computer network. See Col.4: 8-12.

***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ziv-EI (US 6,302,698)

- on-line teaching and learning
- Callaway, Erin
- Web-based training

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Chanda L. Harris  
Examiner  
Art Unit 3714

ch.  
ch.  
July 10, 2002

Joe H. Cheng  
Primary Examiner